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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,535	06/23/2008	Pierre Rabischong	1429-204	2421

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412 MAIN STREET, 7TH FLOOR
HOUSTON, TX 77002

EXAMINER

SQUIRES, BRETT S

ART UNIT	PAPER NUMBER
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2431

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,535	Applicant(s) RABISCHONG ET AL.	
	Examiner BRETT SQUIRES	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on February 2, 2004. It is noted, however, that applicant has not filed a certified copy of the application FR 0450187 as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the limitations "the 'Iso' designed to be burned" in page 1 line 18 of the amended claims filed on July 28, 2006 and "the Java Native Interface" in page 1 line 19 of the amended claims file on July 28, 2006. There is insufficient antecedent basis for these limitations in the claim.

5. The terms "Java" and "Java Native Interface" in claim 2 are a relative terms which render the claim indefinite. The term "Java" is a trademark registered to Sun Microsystems and the term "Java" does not identify or describe the specific programming language being used. The examiner further points out that the trademark or trade name cannot be used properly to identify any particular material or product and the value of a trademark would be lost to the extent that it became descriptive of a

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product rather than used as an identification of a source or origin of a product. See MPEP 2173.05(u).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Salisbury (US 2002/0123909).

Regarding Claims 1 and 8:

Salisbury discloses a consumer electronic medical record file sharing system having at least one mobile computer medium for recording data ("Pocket Sized Re-write Enabled Compact Disk" See fig. 1 and paragraph 10), a reader-writer means for the mobile computer medium ("Standard CD Rom computer drive" See paragraph 10), at least one fixed computer medium for recording data ("Provider's Office Management and Provider Billing Systems" See paragraph 6) the fixed computer medium and the mobile computer medium being capable of communication between each other remotely through the reader-writer means via a communication network ("Internet" See paragraph 12), wherein the mobile computer medium has a reading/writing means ("Browser Based Application Software" See paragraph 10) permitting both reading of the data recorded thereon and writing of new data the reading/writing means being

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capable of running entirely from the mobile computer medium ("The pocket sized re-write enabled compact disk includes a browser based application software capable of collecting, cataloging, storing, updating, and editing the information stored on the pocket sized re-write enabled compact disk." See paragraph 10).

Regarding Claim 3:

Salisbury discloses a means for identifying a user ("Personal Identification Number" and "Password" See paragraph 12) of the mobile computer medium in order to authorize or to forbid reading access to the data recorded thereon as well as to authorize or forbid writing of new data ("The application is accessible only when used with a consumer defined personal identification number." See paragraph 12).

Regarding Claim 4:

Salisbury discloses a means for invaliding the mobile computer medium ("The application is accessible only when used with a consumer/user defined personal identification number (PIN)." See paragraph 12 [The examiner respectfully points out that the determining if a user has entered the correct PIN make the pocket sized re-write enabled compact disk invalid for use by a user who does not know the correct PIN.]).

Regarding Claim 5:

Salisbury discloses the reading/writing means has a means for encrypting and decrypting the data ("The browser based software application is encrypted and password protected." and "An encryption application is imbedded into the browser

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based software application to accommodate secure transmission via internet and wireless computing devices." See paragraphs 10 and 12).

Regarding Claim 6:

Salisbury discloses the reading/writing means has means for creating HTML pages ("The application software utilizes the Microsoft platform is browser based and compatible with Microsoft Internet Explorer and Netscape browsers." See paragraph 12).

Regarding Claim 7:

Salisbury discloses the reading/writing means has means for permitting communication between the data of the mobile computer medium and the data of the fixed computer medium ("The application software is operable with the supplied re-write enabled compact disk, the Internet, Web Enabled Cellular Telephone, Personal Digital Assistants, and other wireless devices." See paragraph 12).

Regarding Claim 11:

Salisbury discloses the reader-writer means includes a computer ("Standard CD Rom Computer Drive" See paragraph 10)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being obvious over Salisbury (US 2002/0123909) in view of Broussard (US 2003/0056204).

Salisbury discloses the above stated consumer electronic medical record file sharing system having a reading/writing means ("A browser based application software capable of collecting, cataloging, storing, updating, and editing the information stored on the pocket sized re-write enabled compact disk." See paragraph 10).

Salisbury does not disclose the browser based application has a writing module of which one portion is written in the Java language and another portion is written in the C language, the portion written in the Java language has a subset capable of creating the ISO designed to be burned and of a subset using the Java Native Interface, whereas the portion written in the C language is in the form of two libraries one of them containing the function specific to writing and the other containing function constituting the interface between the portion writing and the other containing function constituting the interface between the portion written in the Java language and the library containing the functions specific to writing.

Broussard discloses a platform independent Java application contains both a Java language portion and a C language portion, the Java language portion having a Java Native Method Interface for calling functions coded in other languages (See paragraph 46) and the C language portion contain function to interact directly with the operating system for file transfers (See paragraph 33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to program the reading/writing means disclosed by Salisbury as a Java

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application containing both Java and C language code such as that disclosed by Broussard so that the reading/writing means can be run without modification on any computer or under any operating system that supports a Java virtual machine (See Broussard paragraph 42).

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being obvious over Salisbury (US 2002/0123909) in view of Nehammer (US 2003/0040940).

Salisbury discloses the above stated consumer electronic medical record file sharing system having at one mobile computer medium for recording data ("Pocket Sized Re-write Enabled Compact Disk" See fig. 1 and paragraph 10).

Salisbury does not disclose the mobile computer medium for recording data is a DVD.

Nehammer discloses a globally interoperable medical information system having a DVD for storing a patient's entire medical file (See paragraph 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the consumer electronic medical record file sharing system discloses by Salisbury to include using DVDs for storing data such as that disclosed by Nehammer in order to provide the user with a larger storage capacity.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being obvious over Salisbury (US 2002/0123909) in view of Trice Sr. (US 2002/0120470).

Salisbury discloses the above stated consumer electronic medical record file sharing system having a fixed computer medium for data recording ("Provider's Office Management and Provider Billing Systems" See paragraph 6).

Salisbury does not disclose the fixed computer medium for data recording includes a data-processing server containing a database.

Trice Sr. discloses a portable personal and medical information system having a mobile computer medium for recording data ("Wallet Size Compact Disk" See fig. 1 and paragraph 15) and fixed computer medium for data recording including a data-processing server containing a database ("Internet Verification/Billing Database" See fig. 3 ref. no. 51 and paragraph 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the consumer electronic medical record file sharing system disclosed by Salisbury to include an internet verification/billing database such as that disclosed by Trice Sr. so that a user's insurance coverage and benefits can be verified quickly (See Trice Sr. paragraph 30).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRETT SQUIRES whose telephone number is (571) 272-8021. The examiner can normally be reached on 9:30am - 6:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/

/Christopher A. Revak/
Primary Examiner, Art Unit 2431